

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

AMERICANOS U.S.A., INC.

and

28-CA-23187

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE
WORKERS, AFL-CIO**

ORDER DENYING MOTIONS¹

The Respondent's Motions for Partial Summary Judgment and its Objections and Motion to Strike are denied. The Respondent has failed to establish that there are no genuine issues of material fact and that it is entitled to judgment as a matter of law.² See National Labor Relations Board's Rules and Regulations, 102.24(b).

The Respondent's Request for Special Permission to Appeal from Judge Etchingham's denial of its second motion for a continuance of the hearing is also denied.

Dated, Washington, D.C., February 25, 2011.

CRAIG BECKER, MEMBER

MARK GASTON PEARCE, MEMBER

BRIAN E. HAYES, MEMBER

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² Member Hayes would find that there is no genuine issue of material fact as to the complaint allegation that the Respondent implemented special pay provisions without first notifying the Union and affording it an opportunity to bargain. He would, therefore, grant the Respondent's First Motion for Partial Summary Judgment. In doing so, he would also grant the Region leave to amend the complaint to conform to the impasse violation theory advanced by the Acting General Counsel in his opposition to that motion.